IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 17989 of 2004

Between:

1 Patcha Vengaiah S/o Pullaiah
Gundemadakala Village, Vinjamur Mandal, Nellore District
2 Karanam Sreenu S/o Venkatapathi
Gundemadakala Village, Vinjamur Mandal, Nellore District
3 Kumpu Thirupalu S/o Kondaiah
Gundemadakala Village, Vinjamur Mandal, Nellore District

..... PETITIONERS

AND

1 The Government of Andhra Pradesh, rep by Secretary, Revenue Department, (Assignments)
Secretariat Buildings Hyderabad
2 The District Collector, Nellore, Nellore District
3 The Mandal Revenue Officer, Vinijamur Mandal, Nellore District
4 The Station House Officer, Vinjamur, Nellore District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order of direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 1st respondent in not considering the case of the petitioners for grant of assignments of the lands and not issuing directions to the respondents 2 & 3 for assignment of lands in favour of the petitioners basing on the report of the Mandal Revenue Inspector, Vinjamur, Nellore District is arbitrary, unreasonable and consequently direct the Respondents 1 to 4 consider the case of the petitioners for grant of assignments of respective schedule lands to an extent of Ac. 4.99 cents in Sy No. 119, 119/3, Ac. 4.90 cents in Sy. No. 616 and Ac. 4.99 cents in Sy. No. 119/2 situated in Gundemadakala Vilalge, Vinjamur Mandal Nellore district and till then the respondents are further directed not to dispossess the

petitioners from their respective lands.

Counsel for the Petitioners:MR.G.TUHIN KUMAR

Counsel for the Respondents 1 to 4: GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

Petitioners, who claim to have been in possession of the land ad-measuring Ac.4.99 cents, in Sy.Nos.119, 119/3 from the year 1994, filed applications before the 3rd respondent-Mandal Revenue Officer, Vinjamur, for grant of assignment of the said land in their favour. Pursuant to the same, the 3rd respondent directed the Mandal Revenue Inspector to conduct enquiry and submit a report. Accordingly, he conducted the enquiry and submitted report, and the 3rd respondent, in turn, prepared the list and sent the same to the authorities. Since no action has been taken so far, the petitioners filed this writ petition, seeking a writ of mandamus declaring the action of the 1st respondent in not considering the case of the petitioners for grant of assignment of the lands and not issuing directions to the 2nd and 3rd respondents, basing on the report of the Mandal Revenue Inspector, as illegal and arbitrary.

The petitioners will have no right to seek any assignment of the land in their favour, unless they are landless poor persons and eligible for the same. However, it is for the revenue officials to consider the case of the petitioners subject to policy of assignment. But, the petitioners cannot occupy the land in question initially and seek for assignment of the same later.

In view of the same, the writ petition is disposed of, directing the respondents to consider the case of the petitioners for assignment of the said land in their favour and take appropriate action thereon. No order as to costs.

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A.GOPAL REDDY,J

Dated:05-10-2004

GJ

To

1 The Secretary, Government of Andhra Pradesh, Revenue Department, (Assignments), Secretariat Buildings Hyderabad
2 The District Collector, Nellore, Nellore District
3 The Mandal Revenue Officer, Vinijamur Mandal, Nellore District
4 The Station House Officer, Vinjamur, Nellore District

5 Two C.Cs. to the Government Pleader for Revenue, High Court of A.P., Hyderabad (OUT).

6. Two C.D. copies.